



*Congress of the United States
House of Representatives
Washington, D.C. 20515*

*Anna G. Esch
Fourteenth District
California*

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MB
Commercial
Adv.

July 29, 2011

The Honorable Julius Genachowski, Chairman
Federal Communications Commission
445 12th Street, S.W., Room 8-B201
Washington, D.C. 20554

Dear Chairman Genachowski,

Thank you for your work to implement the Commercial Advertisement Loudness Mitigation ("CALM") Act, a bill I first introduced in the 110th Congress and which was signed into law in December 2010. I applaud the Commission for initiating a Notice of Proposed Rulemaking earlier this year, and since that time I've followed with great interest the public comments addressing its implementation.

The law's intent is simple – to make the volume of commercials and programming uniform so that spikes in volume do not affect the consumer's ability to control sound. Over the past fifty years, the Commission has received a significant number of consumer complaints about loud commercials. In fact, in 21 of the 25 quarterly FCC reports on consumer complaints between 2002 and 2009, "abrupt changes in volume during transition from regular programming to commercials," was the top consumer grievance related to radio and television broadcasting. This data highlights the significance of this rulemaking.

The Advanced Television Systems Committee ("ATSC") standards required to be adopted under the law should continue to provide only technical guidance related to engineering issues. The standards should not attempt to provide additional information related to compliance. Issues related to compliance are squarely within the purview of the FCC. Also, it was always the legislation's intent that the standard apply not just to television broadcast stations, but cable, satellite and other multi-channel video distributors.

Furthermore, I recognize that implementation takes time, which is why the legislation includes a grace period that is fair to stakeholders and allows programming distributors ample time to install the engineering fix necessary to ensure that sound is modulated. Those affected have one year after the Commission adopts the rule to implement the ATSC standard-based equipment, and the FCC may grant up to two successive, one-year waivers

for financial hardship. The legislation provides ample opportunity for small broadcast stations and cable operators to comply with the law.

I will continue to follow the rulemaking for the CALM Act very closely, and I'll be monitoring ATSC activities to ensure that it only issues regulations contemplated by the law. I look forward to the Commission's release of final rules to implement the Act and I also look forward to the full cooperation of the ATSC members, as well as all multi-channel video distributors to accomplishing the law's intent.

Most gratefully,

A handwritten signature in black ink, appearing to be 'A. Eshoo', written over a horizontal line.

Anna C. Eshoo
Member of Congress

cc: Commissioner Michael J. Copps
Commissioner Robert M. McDowell
Commissioner Mignon Clyburn